THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4860 of 2007

Dated:09.03.2007

Between:

S.Narasimha Reddy and others.

… Petitioners

AND

The District Collector and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4860 of 2007

ORDER:

The four petitioners claim to be lineal descendents of Narsareddy, who was head of a joint family owning land in Survey No.256 admeasuring Acs.8.16 guntas in Singapur Village of Shankerpally Mandal in Ranga Reddy District. He had three sons. It is alleged that in a family settlement deed dated 06.10.1982 the children of three sons got almost equal share in the property. The mother of the fourth respondent, Smt.S.Santhamma, W/o.Advi Reddy, got Ac.1.26 guntas, as alleged by the petitioners. The petitioners allege that the fourth respondent approached the revenue authorities for cancellation of entries made in favour of others, which was declined by the Mandal Revenue Officer. The fourth respondent was also unsuccessful in his subsequent attempts before the original authority and the appellate authority to get the revenue entries made in favour of persons of other branches cancelled. Not satisfied with the same, it appears, the fourth respondent moved the second respondent in 2001 purportedly under Section 5-B of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, for necessary corrections and to enter his name. By impugned order dated 25.09.2004, the second respondent while directing the Mandal Revenue Officer, third respondent herein, to rectify the entries in the pahanies from 1982-1983 in respect of the land in Survey No.256, ordered a fresh enquiry. Aggrieved by this, the present Writ Petition is filed by the petitioners.

The learned Counsel for the petitioners submits that when the Revenue Divisional Officer was remanding the matter to the Mandal Revenue Officer for fresh enquiry, it was not at all necessary to direct the Mandal Revenue Officer to rectify the entries. He also submits that

though enquiry is pending before the Mandal Revenue Officer, in view of the impugned order, the Mandal Revenue Officer directed his subordinate Officials to make necessary corrections, and having regard to cost escalation of the land in the area, there are attempts to sell away the land.

After anxious consideration, this Court is not able to accept the Writ Petition for two reasons. First, the delay in filing the Writ Petition after a lapse of about two and half years is not at all explained nor adverted to in the affidavit accompanying the Writ Petition. Secondly, while setting aside the order of the Mandal Revenue Officer dated 06.10.2001 wherein entries were directed to be made in favour of others, the Revenue Divisional Officer ordered fresh enquiry. The direction to rectify the entries from 1982, is certainly after conducting enquiry. That is the only meaning that can be given to the operative portion of the impugned order.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

09.03.2007
vs